

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,)	Crim. No.: 4:12-cr-00824-RBH
)	
v.)	ORDER
)	
Christian Erick Cruz-Gonzalez,)	
)	
Defendant.)	
)	

Pending before the court is Appeal of Magistrate Detention Order to District Judge (ECF No. 67) by Defendant, Christian Erick Cruz-Gonzalez. Defendant appeals the order of United States Magistrate Judge Thomas E. Rogers, III denying bond, entered in this action on December 12, 2012 (ECF No. 65).

A district court reviews a Magistrate Judge's ruling on pretrial detention *de novo*. *United States v. Williams*, 753 F.2d 329, 331 (4th Cir. 1985); *United States v. Stewart*, 19 Fed. Appx. 46 (4th Cir. 2001) (citing *United States v. Rueben*, 974 F.2d 580, 585-86 (5th Cir. 1992)).

In accordance with the appropriate standard of review, the court reviewed the transcript of the testimony of the detention hearing proceedings before the Magistrate Judge, as well as the Order of the Magistrate Judge. The court agrees with the findings and conclusions of the Magistrate Judge as set forth in his written Order of Detention and as explained on the record at the detention hearing. Accordingly, after having conducted a *de novo* review of the record, the court finds that application of the factors set forth in 18 U.S.C. § 3142(g) supports the Magistrate Judge's conclusion that pretrial detention of this defendant is appropriate in this case. The defendant has not sufficiently rebutted the presumption that applies to his case regarding detention. As noted by the Magistrate Judge, Defendant has no stable employment,

was living with someone different than at time of arrest in Florida, and previously had a revocation of supervised release.

The court hereby adopts and incorporates the findings of the Magistrate Judge and affirms the Pretrial Detention Order [Docket Entry #65]. Defendant's appeal is **DENIED**. The Court denies Defendant's request for a hearing, as the transcript and record have been reviewed *de novo*, and a hearing is not necessary. In addition, no change of circumstances has been alleged to warrant revocation of the detention order.

IT IS SO ORDERED.

February 4, 2013
Florence, SC

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge